



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

JAN 13 2014

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article No.: 7006 2760 0000 8653 3951

Mr. Lyle Krueger  
Manager of the Water Reclamation Division  
City of Cedar Falls  
501 East 4th Street  
Cedar Falls, Iowa 50613

**Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)**

**IMMEDIATE ATTENTION REQUIRED**

Dear Mr. Krueger:

On June 17, 18 and 19, 2013, a representative of the United States Environmental Protection Agency performed a sanitary sewer overflow inspection of the City of Cedar Falls to assess the City's compliance with its National Pollutant Discharge Elimination System Permit No. IA0036633. The inspection was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. A copy of the inspection report was transmitted to you on or about October 25, 2013. The purpose of this letter is to obtain additional information so the EPA can determine the facility's compliance with the CWA.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires the City of Cedar Falls to provide the information requested in **ENCLOSURE 1 within thirty (30) calendar days of receipt of this letter.**

**Guidance on How to Respond**

Please read the instructions included in ENCLOSURE 1 carefully before preparing your responses to this Information Request.

**Important Information about This Request and the Response**

Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the EPA reserves the right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's June 2013 inspection.

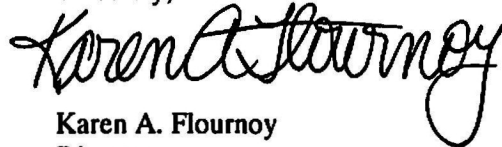


Printed on Recycled Paper

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The City may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, as further described in the enclosed instructions. The EPA will consider and process such a request pursuant to such statutes and the EPA regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to the City. Please note that pursuant to 40 C.F.R. § 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Angela DeAngelo Acord, at phone number (913) 551-7914.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen A. Flourney". The signature is fluid and cursive, with the first name "Karen" being the most prominent part.

Karen A. Flourney  
Director

Water, Wetlands and Pesticides Division

**Enclosures**

1. Information Request
2. Statement of Certification

cc: Barbara Lynch, IDNR  
Joe Sanfillippo, IDNR, FO1

## INFORMATION REQUEST

**Re: City of Cedar Falls, Iowa**

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

### **I. Instructions**

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. **Certification.** The Statement of Certification found in ENCLOSURE 2 must be submitted along with your responses for question number five (5) only, under section III. Requested Information. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(a). For your convenience, the text of 40 C.F.R. § 122.22(a) is included on ENCLOSURE 2.
5. **Confidential Business Information.** If you believe any of the requested information is confidential, you may assert a business confidentiality claim under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
6. **Accurate and Truthful Information Required.** Compliance with this information request is mandatory. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the Act for seeking, maintaining, or complying with an applicable NPDES permit.
7. **Submission of Response to Information Request.** All responses to this Information Request must be submitted within the timeframes identified in Section III, below. Each response should be submitted in a manner that allows you to track delivery, and must be submitted to:

**Angela DeAngelo Acord  
U.S. Environmental Protection Agency  
Water, Wetlands and Pesticides Division  
11201 Renner Boulevard  
Lenexa, Kansas 66219**

## **II. Definitions**

All terms used in this request that are not defined below shall be defined as they are defined at 33 U.S.C. § 1362 and 40 CFR § 122.2. Unless otherwise indicated, the following definitions shall apply strictly for the purposes of this request for information:

1. "Sewer System" shall mean the wastewater collection and transmission system owned or operated by Cedar Falls, which is designed to collect and convey municipal sewage (domestic, commercial and industrial) to the Cedar Falls Publically Owned Treatment Works.
2. "Sanitary sewer overflow" or "SSO" shall mean an overflow, spill, diversion, or release of untreated or partially treated wastewater from or caused by Cedar Falls sanitary sewer system. This term shall include:
  - a. Discharges to waters of the State or United States from Cedar Falls sanitary sewer system; and
  - b. Any release of wastewater from Cedar Falls sanitary sewer system to public or private property that does not reach water of the State or United States, including building and private property backups.
3. "Constructed SSO Outfall" shall mean any pipe, conduit, or other conveyance that has been constructed or placed within the Sanitary Sewer System to purposefully convey sewage, or a combination of sewage and rainwater, to any Receiving Stream, either natural or man-made, or to any portion of the Drainage System.
4. "City" shall mean Cedar Falls, Iowa.
5. "IDNR" shall mean the Iowa Department of Natural Resources.
6. "Record" is defined as any recording of information in tangible form. It includes, but is not limited to, in print or electronic form, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer print outs and computer data bases.
7. "Document" is defined as any writings, drawings, graphs, charts, photographs, phone records, electronic mail, facsimile, and other data compilations from which information can be obtained, translated if necessary, through detection devices into reasonably usable form. Documents should be produced as they are kept in the usual course of business.
8. "Permit" is defined as Cedar Falls National Pollutant Discharge Elimination System Permit for the POTW.



### **III. Requested Information**

Please submit your response to this Information Request as directed in Section I, to the address provided in Section I.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disk in PDF, Word, Excel or other widely available electronic format.

#### **Preliminary Information**

1. In each submission required by this Information Request, identify the person to contact regarding your submission, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Information Request.

#### **Information Relating to the Wastewater Reclamation Facility and the Collection System**

**Within thirty (30) days of receipt of this information request**, provide the following information:

1. Provide a copy of all documents and records of POTW complaints received by Cedar Falls since January 1, 2009, including but not limited to SSOs, building backups, basement backups, odors, manhole discharges, pump station discharges, and bypasses. This includes any spreadsheets, call logs, and other documents maintained by the City in regard to sewer system related complaints regardless of being reported to the state.
  - i. Provide a description as to how the City makes a determination regarding whether or not the cause of a customer complaint is due to the publicly owned portion of the sewer system?
2. Identify and provide a copy of all documents and records of SSOs, building backups, manhole discharges, pump station discharges, force main breaks, force main leaks, and bypasses at all locations within your POTW, including all permitted outfalls, and lift stations, since January 1, 2009. This information should include location, cause of issue, estimated volume of wastewater released, and duration of release. Also include ultimately where the wastewater went (i.e., land, storm sewer, surface water).
  - i. Provide any sampling data, bench sheets, or other documentation related to sampling conducted by the City for overflow events in which sampling was taken, regardless of if sampling was required or submitted by/to the state.
3. Describe any work which has been completed by the City to improve the sanitary sewer system and Water Reclamation Facility, including but not limited to Capital Improvement Projects, repairs, replacements, updates, upgrades, studies, testing, and consulting reports since January 1, 2009. Please provide a brief description of the project, and completion date (or estimated if ongoing). Provide any supporting documentation.

- i. Provide a description of any work planned, as well as any documentation, consulting information, and testing involved in the planning of work, and how it is expected to improve the sewer system.
4. Describe the current status of the sewer system, and Water Reclamation Facility to date, including any remaining sewer system issues, treatment plant concerns, storage capacity issues, Inflow/Infiltration issues, and overflow issues. Provide any supporting documentation.
  - i. Include information regarding location of remaining sanitary sewer system issues, planned efforts for mitigation, and timeline of planned events.
5. Provide all correspondence documents and records, between Iowa Department of Natural Resources and the City, including but not limited to, monthly operating reports, notice of violations from IDNR, and non-compliance reports, since January 1, 2009. For the monthly operating reports provide a certification that is signed and dated by an authorized representative of the facility, as identified by 40 C.F.R. § 122.22(b). A Statement of Certification is enclosed with this letter (ENCLOSURE 2).
6. Provide a map of the collection system, including all permitted outfalls, lift stations, treatment plant, manholes, bypass lines, detention basins, and any temporary storage basins.
  - i. Include a map showing known problem areas within the collection system
  - ii. Include a map showing locations where work has been completed
  - iii. Include a map showing locations where work is planned
7. Provide a short narrative description to the following questions:
  - i. What are the City's procedures and policies for tracking, managing and responding to SSOs?
  - ii. How does the City become aware of SSOs?
  - iii. What are the procedures used to stop or contain flow from SSOs, specifically how is the flow contained, or prevented from reaching surface water?
  - iv. How is flow volume from SSOs determined?
  - v. What locations within the service area have had more than one SSO within the last five years?
  - vi. Are all SSOs reported to IDNR? What are the reporting procedures, and when do you report, and when do you not report?

**STATEMENT OF CERTIFICATION**  
**(To be submitted with every response to the Information Request)**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

**40 C.F.R. § 122.22(a). Signatories to permit applications and reports.**

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

*Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.*

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).